

Notice of Allowability

Application No.

10/783,264

Examiner

Patricia L. Hailey

Applicant(s)

LOVELL ET AL.

Art Unit

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' Petition filed on January 9, 2007.
2. ☒ The allowed claim(s) is/are 1-9,46,48-56 and 60.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 06/21/07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

This communication follows the Office's decision on the Petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed January 9, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) to the prior-filed Application Serial No. 10/681,671 and provisional Application Serial No. 60/416,994.

Said petition was granted on May 31, 2007.

Claims 1-60 are pending in this application.

Election/Restrictions

1. This application is in condition for allowance except for the presence of claims 10-45, 47, and 57-59 directed to a process of making a composition (claims 10-25 and 47) to a sorbent production system (claim 26), to a method for removing mercury from a gas (claims 27-33, 40, and 57), and to a mercury removal system (claims 34-39, 41-45, 58, and 59), all of which are non-elected without traverse. Accordingly, claims 10-45, 47, and 57-59 have been canceled.
2. Applicants elected claims 1-9, 46, 48-56 and 60 in the reply filed on April 13, 2006, but did not distinctly and specifically point out the supposed errors in the restriction requirement; as a result, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 1-9, 6, 48-56, and 60 remain under consideration by the Examiner.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Hunter on June 21, 2007.

The application has been amended as follows:

Non-elected claims 10-45, 47, and 57-59 have been canceled.

Allowable Subject Matter

4. Claims 1-9, 46, 48-56, and 60 are allowed.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

Due to the granting of Applicants' Petition, Applicants are now entitled to priority to parent Application Serial No. 10/134,178 (now U. S. Patent No. 6,719,828) and to Application Serial No. 10/681,671 (now U. S. Patent No. 7,048,781).

Art Unit: 1755

Thus, the 102(b) rejection of claims 1-9, 46, 48-56, and 60 as being anticipated by Lovell (U. S. Patent No. 7,048,781), stated in the Final Rejection, has been withdrawn, as this reference no longer qualifies as prior art under 35 U.S.C. 102(e).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

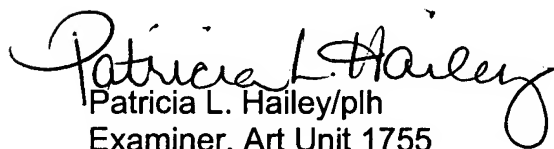
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Hailey whose telephone number is (571) 272-1369. The examiner can normally be reached on Mondays-Fridays, from 7:00 a.m. to 3:30 p.m.

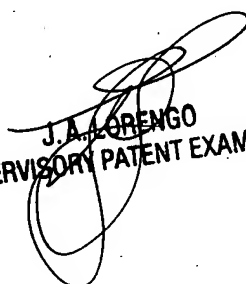
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo, can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 1700 Receptionist, whose telephone number is (571) 272-1700.

Art Unit: 1755

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Patricia L. Hailey/plh
Examiner, Art Unit 1755
June 21, 2007


J. A. LORENZO
SUPERVISORY PATENT EXAMINER